

REMARKS/ARGUMENTS

The Office Action mailed June 9, 2010, has been received and its contents carefully noted. Claims 1-30 are pending. Claims 1-9 and 11-12 were rejected. By this Response, claims 1, 4, 9, 7 and 9 have been amended, claims 2-3 and 5-6 are cancelled, and claims 31-35 are added. Claim 1, as amended, includes the subject matter of cancelled claim 6. Support for the amendment appears in the original claims and the specification. No statutory new matter has been added. Therefore, reconsideration and entry of the claims, as amended, are respectfully requested.

Claims 10 and 13-30 stand withdrawn from further consideration by the Examiner pursuant Rule 142(b) as drawn to nonelected inventions. The Examiner has treated the elections made as being without traverse. The requirement has been made final.

Acknowledgement of the claim for priority and receipt of the certified copies of the priority documents is noted with appreciation.

Applicants acknowledge receipt of the initialed copies of the PTO/SB/08 forms.

Applicants wish to note the following information regarding the T. Seibutsugaku publication:

Cold Spring Harbor

Maruzen Co., Ltd. 2003 (In Japanese)

An English version was previously provided. Its consideration is respectfully requested.

The objection to the specification has been addressed by amendment.

Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claim 6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claim 6 has been cancelled which moots the rejection. The term objected does not appear in amend claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)

The Examiner rejected claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US 5,449,816). Applicants respectfully traverse.

Claims 2 and 3 have been cancelled, rendering their rejection moot. Claim 1 has been amend to include the subject matter of claim 6, not included in the rejection. Accordingly, the claim now includes subject matter not taught by Bauer et al.

Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)/103(a)

The Examiner rejected claims 1-5, 7-9 and 11-12 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Salvino et al. (WO 98/29376).

Claim 1 has been amended to include he subject matter of claim 6 that was found to be free of the rejection.

Claim 6 specifies a monomer having claimed formula (1), which is polymerized. The claimed monomer is not taught by Salvino et al.

The rationale for the rejection as stated in the Office Action is that the product taught in the reference appears to be the same as that claimed. That no longer appears to be the case since the starting materials differ.

Accordingly, in light of the amendments to claim 1, a proper prima facie case is no longer made out in reliance on Salvino et al. alone.

Withdrawal of the rejection is respectfully requested.

It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the

Rejections under the Judicially Created Doctrine of Non-statutory of Obviousness-type Double Patenting

The Examiner provisionally rejected claims 1-4 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, 6, 17, and 44 copending Application No. 10/540,723 ('723). Applicants respectfully traverse.

The provisional nature of the rejection is noted.

Claims 2 and 3 have been cancelled. Claim 1 has been amended to include the subject matter of claim 6, found to be free of the rejection. Claim 1 as amended should equally be found free of the rejection. Claim 4 depends on amended claim 1.

It is submitted that a clear line of demarcation now exists between the applications and withdrawal of the provisional rejection is respectfully requested.

Request for Interview

A telephonic or an in-person interview is respectfully requested should there be any remaining issues.


CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 033036 M 112.**

Respectfully submitted,

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November 2, 2010
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